

BILL NO. 88-77

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 88-77 (AS AMENDED)

Introduced by Council President Hardwicke

Legislative Day No. 88-34 Date November 15, 1988

AN EMERGENCY ACT to repeal and reenact, with amendments, Subsection K of Section 267-9, Board of Appeals, of Article II, Administration and Enforcement, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to allow refiling of a zoning application at any time, if the application is denied automatically under a certain section of the Board of Appeals' rules of procedure; to make this Act retroactive; ~~to make this Act effective only for the one year period after it becomes law;~~ and generally relating to zoning applications.

By the Council, November 15, 1988

Introduced, read first time, ordered posted and public hearing scheduled

on: December 20, 1988

at: 7:00 P.M.

By Order: Doris Poulsen, Secretary

#### PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on December 20, 1988

and concluded on December 20, 1988

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford  
2 County, Maryland, That Subsection K of Section 267-9, Board of  
3 Appeals, of Article II, Administration and Enforcement, of Part  
4 1, Standards, of Chapter 267, Zoning, of the Harford County  
5 Code, as amended, be, and it is hereby, repealed and reenacted  
6 with amendments, all to read as follows:

7 Chapter 267. Zoning.

8 Part 1. Standards.

9 Article II. Administration and Enforcement.

10 Section 267-9. Board of Appeals.

11 K. Application disapproved.

12 (1) (a) [If the application, except in the case of a  
13 variance,] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
14 SUBSECTION, AND EXCEPT AS PROVIDED IN SUBSECTION C OF SECTION  
15 267-11, IF THE APPLICATION is disapproved by the Board or is  
16 dismissed for failure of the applicant to pay costs, [then] the  
17 Board shall take no further action on another application for  
18 substantially the same relief until after one (1) year from the  
19 date of such disapproval or dismissal or any final decision by a  
20 court of competent jurisdiction, whichever shall last occur.

21 (b) Dismissal for failure to pay costs shall be  
22 without prejudice.

23 (c) If an appeal to the Board is perfected and  
24 the public hearing date set by the posting of the property and  
25 thereafter the applicant withdraws the appeal, the applicant  
26 shall be precluded from filing another application for  
27 substantially the same relief for six (6) months from date of  
28 withdrawal.

29 (2) PARAGRAPH (1)(a) OF THIS SUBSECTION DOES NOT  
30 APPLY TO AN APPLICATION THAT IS DENIED PURSUANT TO SECTION A274-  
31 5B.(3)(c) OF THE BOARD'S RULES OF PROCEDURE FOR ZONING  
32 APPLICATIONS, AS CODIFIED IN THE APPENDIX TO THIS CODE. AN

1 APPLICATION DENIED PURSUANT TO THAT SECTION IS DENIED WITHOUT  
2 PREJUDICE AND MAY BE REFILED AT ANY TIME.

3 Section 2. And Be It Further Enacted, That this Act is an  
4 emergency measure, necessary to provide fundamental fairness to  
5 persons whose zoning applications are remanded by the Board of  
6 Appeals, and shall take effect on the date it becomes law.

7 Section 3. ~~And Be It Further Enacted, That this Act shall~~  
8 ~~remain effective for a period of one (1) year from the date it~~  
9 ~~becomes law, and upon expiration of that one year period, and~~  
10 ~~with no further action required by the County Council, this Act~~  
11 ~~shall be abrogated and of no further effect.~~

12 Section 4. And Be It Further Enacted, That this Act shall be  
13 construed retroactively and shall be applied to and interpreted  
14 to affect all zoning applications filed ~~less than one (1) year~~  
15 before the date this Act becomes law.

16 EFFECTIVE: January 6, 1989  
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88-77  
AS AMENDED

BY THE COUNCIL

BILL NO. 88-77 (as amended)

Read the third time.

Passed LSD 89-1 (January 3, 1989) (with amendments)

Failed of Passage \_\_\_\_\_

By Order

Doris Poulsen

, Secretary

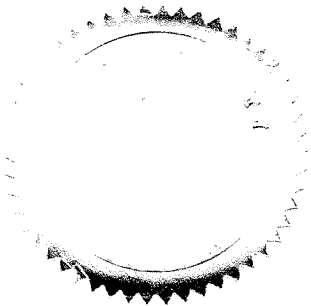
Sealed with the County Seal and presented to the County Executive  
for his approval this 4th day of January, 1989  
at 3:00 o'clock P.M.

Doris Poulsen

, Secretary

BY THE EXECUTIVE

APPROVED:



[Signature]  
County Executive  
Date 1-6-89

BY THE COUNCIL

This Bill (No. 88-77, as amended), having been approved by  
the Executive and returned to the Council, becomes law on  
January 6, 1989.

Doris Poulsen

, Secretary

EFFECTIVE DATE: January 6, 1989

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AS AMENDED